

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDREY MCDANIELS,
Petitioner,

v.

WINSTEAD, et al.,
Respondents.

:
:
:
:
:
:
:
:

CIVIL NO. 11-5679

ORDER

AND NOW, this 1st day of July 2014, after a careful and independent consideration of the Petition for a Writ of Habeas Corpus and of the Report and Recommendation of United States Magistrate Judge M. Faith Angell (“R&R”; Doc. No. 26), Petitioner’s objections thereto (Doc. No. 27), and the entire record in this case, and for the reasons stated in the accompanying Memorandum Opinion it is hereby **ORDERED** that:

1. The R&R is **APPROVED and ADOPTED in part** and **REJECTED in part**, and Petitioner’s Objections are **OVERRULED in part** and **SUSTAINED in part** as follows:
 - a. The R&R is approved and adopted with respect to Petitioner’s claim of ineffective assistance of counsel;
 - b. The R&R is rejected with respect to Petitioner’s double jeopardy claim.
2. The Petition (Doc. No. 1) is **GRANTED UNCONDITIONALLY**, and Respondent is **DIRECTED** to **RELEASE** Petitioner forthwith.
3. This Order is **STAYED** until **July 31, 2014**.¹

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

¹ The Commonwealth has thirty days from the entry of a final order to appeal the order. Fed. R. App. P. 4(a)(1)(A). Mindful of the disruption that an Order releasing Petitioner could cause while the Commonwealth considers whether to appeal, the Court enters this stay.